

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NANCY ELLITHY and all others similarly :
situated :

Plaintiffs, :

v. :

HEALTHCARE TRAINING INSTITUTE, :
INC., a New Jersey for-profit corporation, :
BASHIR MOHAMMAD, M.D., JOY :
CROWLEY and JOHN DOE 1 THROUGH :
X (X being a number as yet unknown, being :
Fictitious persons or corporations whose :
Identities are currently unknown), :

Defendants. :

Civil Action No. 2:12-6209 (CCC)

ORDER

Cecchi, District Judge

This matter comes before the Court by way of Plaintiffs' objections to Magistrate Judge Dickson's Opinion & Report and Recommendations on the basis of the local controversy exception, 28 U.S.C. § 1332(d)(4)(A), and the home state exception, 28 U.S.C. § 1332(d)(4)(B) to jurisdiction under the Class Action Fairness Act ("CAFA") [ECF Nos. 33 and 35]. Plaintiffs have requested limited discovery to determine the citizenship of the putative class members. In the CAFA context, courts have held that limited, focused discovery should be allowed when subject matter jurisdiction is called into doubt unless the plaintiff's claim is clearly frivolous. See Anthony v. Small Tube Mfg. Corp., 535 F. Supp. 2d 506, 512 (E.D. Pa. 2007); Dicuio v. Brother Intl. Corp., Civ. A. 11-1447 FLW, 2011 WL 555728, 6 (D.N.J. Nov. 15, 2011). The Court agrees with Plaintiffs that limited jurisdictional discovery is appropriate in this instance. Accordingly,

IT IS on this 26 day of **February 2014**,

ORDERED that Plaintiffs are granted limited discovery for the purpose of determining the citizenship of the putative class members, based on the allegations in the original complaint; and it is further

ORDERED that the parties shall file supplemental briefing upon the close of the limited discovery related to whether there is jurisdiction under either the Local Controversy Exception or the Home State Exception with reference to the original complaint; and it is further

ORDERED that Plaintiffs' motion to remand [ECF No. 8] is hereby administratively terminated without prejudice and will be deemed reinstated upon the filing of the parties' supplemental briefing; and it is further

ORDERED that Defendants' motion to dismiss [ECF No. 36] is hereby administratively terminated without prejudice pending the Court's decision on Plaintiffs' objections to Judge Dickson's Report and Recommendations, and that if the Court determines that it has jurisdiction then Defendants may re-file their motion; and it is further

ORDERED that the parties shall proceed to limited discovery before Judge Mark Falk.

SO ORDERED.



Claire C. Cecchi
United States District Judge